

REMARKS

Upon entry of the foregoing amendments, Claims 29, 30, 31, 37, 38 and 41 have been canceled and independent Claims 23, 33 and 44 have been amended. Claims 23-28, 32-36, 39, 40, 42-44 and 52-56 are pending. No new matter has been added.

In the Office Action, Claims 23-29, 32-37, 39-42, 44, and 53-56 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,772,831 to Casler et al. (“Casler”). Claims 30-31 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Casler in view of U.S. Patent No. 6,701,210 to Heber et al. (“Heber”). Claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Casler in view of U.S. Patent No. 5,325,472 to Horiuchi et al. (“Horiuchi”).

Objection to Claim 41

In the Office Action, Claim 41 is objected to for failing to further limit the subject matter of Claim 33. With this Response, Applicants are canceling Claim 41. Accordingly, Applicants submit that this objection has been addressed.

Rejection of Claims 30-31 and 38 under 35 U.S.C. § 103(a)

Claims 30-31 and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Casler in view of Heber. This rejection is respectfully traversed.

The present application and Heber were, at the time the invention the present application was made, owned by Siemens Aktiengesellschaft (“Siemens”). An assignment of the present application to Siemens is attached hereto as Exhibit A. An assignment of Heber to Siemens is attached hereto as Exhibit B. Accordingly, under 35 U.S.C. § 103(c), Heber does not qualify as prior art and is not available to the Examiner for support of a *prima facie* case of obviousness.

Thus, it is respectfully requested that the rejection under 35 U.S.C. §103(a) be withdrawn. Applicants have amended the claims by incorporating the limitations of Claims 29, 30, and 31 into independent Claim 23 and by incorporating the limitations of Claims 37 and 38 into independent Claims 33 and 44. Therefore, Applicants submit that the pending claims are patentable over the cited art.

No Waiver

All of Applicants’ arguments and amendments are without prejudice or disclaimer. Applicants have not addressed each specific rejection of the independent and dependent claims

because Applicants submit that the independent claims are allowable over the documents of record, as discussed above. Applicants have not acquiesced to any such rejection and reserve the right to address the patentability of any additional claim features of any additional claim features in the future.

CONCLUSION

Based on the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 50-3732, Order No. 03869-105012.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-3732, Order No. 03869-105012.

Respectfully submitted,
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